

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MONTE RUSSELL and DANIEL FRIEDMAN,  
on behalf of themselves and others similarly  
situated,

Plaintiffs,

v.

WELLS FARGO AND COMPANY and WELLS  
FARGO BANK, N.A.,

Defendants.

CASE NO: C-07-3993-CW

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
CONDITIONAL COLLECTIVE  
ACTION CERTIFICATION UNDER  
FLSA, 29 U.S.C. §216(b), AND  
AUTHORIZING NOTICE OF FLSA  
CLAIMS**

Plaintiffs Monte Russell and Daniel Friedman moved for Conditional Collective Action Certification and Notice, pursuant to the Fair Labor Standards Act and other authorities interpreting the Act. Defendants opposed the motion. The matter was heard on \_\_\_\_\_, 2008. Having considered the parties' papers and oral argument on the motion, the Court GRANTS Plaintiffs' Motion for Conditional Collective Action Certification Under FLSA, 29 U.S.C. § 216(b), and for Court-Approved Notice of FLSA Claims, and orders and finds as follows:

1. Pursuant to the Fair Labor Standards Act ("FLSA") and authorities interpreting it, the Court finds that members of the "FLSA Class" (as defined below) are similarly situated and therefore conditionally certifies this action as a representative collective action, 29 U.S.C. § 216(b);

2. Pursuant to the FLSA and authorities interpreting it, the Court finds that notice should be sent to all members of the FLSA Class. The Court authorizes and will facilitate notice

1 of this action to prospective members of the FLSA Class, consisting of all current and former  
2 Technology Information Group employees of Wells Fargo & Company and Wells Fargo Bank,  
3 N.A., who held the position of PC/LAN Engineer 3, PC/LAN Engineer 4, and PC/LAN Engineer  
4 5, who were paid a salary, and who were treated as exempt from the laws requiring overtime for  
5 some period of time after November 1, 2004 through the date of final disposition of this action  
6 (hereinafter "FLSA Class");

7 3. The Court orders Defendants to produce to Plaintiffs' counsel the names,  
8 addresses, alternate addresses, social security numbers, telephone numbers, and email addresses  
9 (if any) of all prospective members of the FLSA Class. Such information shall be provided in  
10 Microsoft Excel format to Plaintiffs' counsel within ten (10) days of this Order;

11 4. The Court approves the sending of the Notice and Consent to Join forms in  
12 substantially the same format as the forms attached to Plaintiffs' Motion for Conditional  
13 Certification and Notice. Such Notices and Consents to Join shall be mailed to putative FLSA  
14 Class members within ten (10) days of receipt by Plaintiffs' counsel of the names, addresses,  
15 alternate addresses, social security numbers (last four digits only), telephone numbers, and email  
16 addresses (if any) of all prospective members of the FLSA Class from Defendants;

17 5. All prospective members of the FLSA Class shall have 120 days from the sending  
18 of Notice to postmark their Consents to Join and mail such Consents to Plaintiffs' counsel.

19 **IT IS SO ORDERED.**

20  
21 Dated: \_\_\_\_\_, 2008

22 \_\_\_\_\_  
23 THE HONORABLE CLAUDIA J. WILKEN  
24 UNITED STATES DISTRICT COURT JUDGE  
25  
26  
27  
28